

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUMBERTO LOPEZ RODRIGUEZ and
CARLOS CARRILLO-LOPEZ,

Defendants.

CASE NO. CR20-0107-JCC

ORDER

This matter comes before the Court on the Government's motion to continue trial (Dkt. No. 86). Having thoroughly considered the parties' briefing, the parties' positions as stated in the status hearing held on March 24, 2021, (Dkt. No. 100), and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

Defendants are charged by indictment with conspiracy to distribute controlled substances, possession of controlled substances with intent to deliver, possession of firearms in furtherance of a drug trafficking crime, and related crimes. (*See* Dkt. No. 65.) Trial is currently scheduled for March 29, 2021. (Dkt. No. 83.) The Government asks the Court to continue trial because of the COVID-19 pandemic's continued impact on the Court's operations and the parties' need for additional time to adequately prepare for trial. (Dkt. No. 86 at 1–2.) Defendant Humberto Lopez Rodriguez joins the Government's motion and asks that trial be continued to November 2021.

1 (Dkt. No. 87.) Defendant Carlos Carrillo-Lopez asks that trial be continued to August 2021.

2 (Dkt. No. 99.)

3 As the Government notes, the pandemic has made it difficult for the Court to obtain an
4 adequate spectrum of jurors to represent a fair cross section of the community, and public health
5 guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in
6 the courtroom. (*See generally* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20,
7 18-20, 04-21, each of which the Court incorporates by reference.) As a result, the Court has been
8 unable to conduct any criminal trials in the courthouse since March 2020. When the Court is able
9 to resume in-person trials, the Court will be limited by public health measures, such as limits on
10 the number of people in the courthouse and courtrooms, which will limit the Court's ability to try
11 cases as efficiently as it would absent a pandemic. *See* General Order 04-21 at 2.

12 In addition, the parties need more time to adequately prepare for trial as some discovery
13 is still outstanding. Mr. Carrillo-Lopez has filed several pretrial motions, to which the
14 Government has responded, but has requested an extension of time to file reply briefs based on
15 newly disclosed discovery. (Dkt. No. 99 at 1.) He anticipates filing a motion to compel
16 additional discovery and "other motions based upon the continuing disclosures related to the lead
17 investigating agent and an informant at the heart of the investigation in this case." (*Id.* at 1–2.)
18 Mr. Lopez Rodriguez needs additional time to evaluate whether to join the already filed defense
19 motions or file other pretrial motions, including a request for severance.

20 Having thoroughly considered the briefing, the parties' representations at the status
21 hearing, and the relevant record, the Court FINDS that the ends of justice served by a granting a
22 continuance outweigh the best interests of Defendants and the public to a speedy trial. *See* 18
23 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 24 1. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate
25 spectrum of jurors to represent a fair cross section of the community, which would
26 likely make proceeding on the current case schedule impossible or would result in a

- 1 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 2 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
- 3 Court staff to be present in the courtroom. Therefore, proceeding with the current trial
- 4 date would likely be impossible or would result in a miscarriage of justice. *See* 18
- 5 U.S.C. § 3161(h)(7)(B)(i).
- 6 3. Taking into account the exercise of due diligence, the failure to grant a continuance
- 7 would deny counsel for Defendants the reasonable time necessary for effective
- 8 preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a
- 9 miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).
- 10 4. The period of delay is necessary for Defendants to adequately prepare for trial,
- 11 investigate the matter, gather evidence material to the defense, and consider possible
- 12 defenses.

13 Accordingly, the Court ORDERS:

- 14 1. The March 29, 2021 jury trial is CONTINUED to August 23, 2021 at 9:30 a.m.
- 15 2. The February 15, 2021 pretrial motions deadline is CONTINUED to July 12, 2021.¹
- 16 3. The period from the date of this order until August 23, 2021 is an excludable time
- 17 period under 18 U.S.C. § 3161(h)(7)(A).

18 DATED this 26th day of March 2021.

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20 _____

21 John C. Coughenour

22 UNITED STATES DISTRICT JUDGE

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26 ¹ This order amends the Court's oral decision continuing the motions deadline to July 19, 2021.